

Meeting Summary
Private Land/Public Wildlife Council
October 2, 2014

This meeting was conducted via conference call, from 8:00 a.m. – 9:00 a.m.

Council members participating in the meeting included: Joe Perry, chair; Rich Stuker, co-chair; Chris King; Dwayne Andrews; Kathy Hadley; Jack Billingsley; Blake Henning; Rod Bullis; Dan Fiehrer; Lisa Flowers; Denley Loge; Tom Jacobson; Jim Peterson; Kendall Van Dyk; (*Council members not participating included:* Robert DesRosier and ex-officio members George Bain, Kevin Chappell, Pat Gunderson).

FWP staff participating included: Jeff Hagener, Ken McDonald, Alan Charles.

Members of public who participated by listening to the call at FWP regional, area, or Helena headquarters included: Bill Baum, at the Kalispell FWP office.

Meeting agenda called for Council members to discuss public comments received on the eight DRAFT recommendations during the public comment period that was conducted August 12 – September 12, and take action to either finalize the draft recommendation as proposed, finalize the draft recommendation with changes, or choose not to adopt the draft recommendation.

Following is a summary of the actions taken for each recommendation (*identified here in abbreviated format used in the Executive Summary portion of the draft Final Report*), with additional comments noted as requested by Council members during the meeting.

Recommendation 1: *The Governor should coordinate the appointment of an Interagency Access Committee, led by MACO, with representatives from the BLM, USFS, USFWS, DNRC and FWP, to be charged with: (1) developing an inventory of public roads; (2) developing an inventory of public lands where public access is restricted or not available, and; (3) issuing an annual report that will be made available to the public and agencies to assist with projects and programs designed to promote public access to public lands. Adequate funding and personnel should be provided to fulfill this recommendation.* **Council action: Adopted as proposed through consensus vote.**

Recommendation 2: *FWP should develop voluntary corner-crossing access agreements as a pilot project with private landowners through the FWP Access Public Lands Program that will provide public access to public land that is not otherwise legally accessible.* **Council action: Adopted with one change (noted in red ink above) through consensus vote.**

NOTE: Several Council members, including Jim Peterson and Jack Billingsley, wanted it noted that they supported this recommendation with reservations, given the controversy surrounding this issue, but recognizing that the recommendation proposed agreements negotiated with willing landowners.

Recommendation 3: *FWP should continue and expand the existing program to mark boundaries and legal entry/ exit points on legally accessible state and federal public lands.* **Council action: Adopted as proposed through consensus vote.**

Recommendation 4: (STAFF NOTE: Discussion about this recommendation was moved to the end of the meeting, and subsequently readers will find results of that discussion at the end of the document.)

Recommendation 5: *FWP should continue and expand the existing program to mark boundaries and legal entry/ exit points on legally accessible state and federal public lands.*

Council action: Adopted as proposed through consensus vote.

Recommendation 6: *FWP should expand the options within the existing statutory authority of MCA 87-2-513 (Landowner Elk Permit for Access Program – formerly referred to as HB 454 Program) to allow issuance of either-sex or antlerless elk permit(s) to a landowner who offers free public hunting through a contractual public elk hunting access agreement.* **Council action: Adopted as proposed through consensus vote.**

NOTE: Numerous Council members wanted it noted that they supported this recommendation, primarily because it gave FWP more flexibility to try to enroll more landowners in this program to help address elk management issues.

Recommendation 7: *The Hunter-Landowner Stewardship Project (HLSP) should be supported, encouraged, updated, improved, and expanded.* **Council action: Adopted as proposed through consensus vote.**

Recommendation 8: Develop Public Service Announcements (PSAs) that recognize and publicize good hunter/landowner relations. **Council action: Adopted as proposed through consensus vote.**

Recommendation 4: *Create a new license statute by combining elements of “Native Montana Nonresident License” (MCA 87-2-514) with current “Home to Hunt license” (MCA 87-2-526).* **Council action: Adopted as proposed, with additional explanation (noted in red ink below) regarding how FWP interprets the requirement for a licensee to be “accompanied in the field by the sponsor or eligible family member,” that is currently in MCA 87-2-526, through consensus vote.**

NOTE: Council members discussed at length some of the questions and concerns raised in public comments regarding the requirement for a licensee who obtains a “Come Home to Hunt” license to be accompanied in the field by a sponsor or eligible family member. Some of that discussion involved various “what if” scenarios or situations, while other members pointed out that the basis for creating this license was to provide a special opportunity for a qualified family member to return to Montana to hunt with family members, not just to provide a discounted license for someone who was previously a resident. Ultimately, Council members agreed through consensus to support the proposal as drafted, so long as an explanation was provided as part of the FINAL recommendation to help address some of the concerns and questions identified through public comments and to help educate legislators and the public about this recommendation.

NOTE: Several people who commented on Draft Recommendation #4 cited questions or concerns that nonresident hunters purchasing the “Come Home to Hunt” license (87-2-526 MCA) are required to “be accompanied in the field by a sponsor or family member...” under the

current statute. Members of the Private Land/Public Wildlife Council wanted to be responsive to those comments, and requested that FWP provide an explanation, with examples, of how the requirement to “be accompanied in the field” is interpreted, so that some of those questions and concerns could be addressed.

EXPLANATION: The Department’s understanding of the intent behind creating this license was that it would offer a special opportunity to eligible nonresident hunters to return to Montana to once again hunt with their family members. Subsequently, the requirement for “a nonresident family member who receives a license...must be accompanied in the field by a sponsor or family member who meets the qualifications of subsection (3)” was written into this law.

The Department’s interpretation of the meaning of “must be accompanied in the field,” in a general sense, is that the sponsor or eligible family member must be a participant in the hunting experience that takes place in the field.”

Examples of situations that might meet that requirement include:

- a) an eligible family member hunting with the licensee as a fellow hunter;
- b) an eligible family member staying in camp with the hunter (camp could be temporary camp or permanent residence on site at the hunting location);
- c) an eligible family member assisting the licensee with transportation by vehicle at the hunting site;

Examples of situations that probably would not meet that requirement include:

- a) an eligible family member remaining in town while the licensee hunts afield;
- b) an eligible family member never being present in the location where the licensee hunts;
- c) an eligible family member who hunts in a geographic location so completely removed from the location where the licensee is hunting that there is clearly no sense of accompaniment between the two hunts being conducted;

As is the case with enforcement of any law, the details of each specific situation will determine whether or not the law enforcement official feels the law has been violated, and if so, what the appropriate action is to address the infraction. This law has been in effect since the 2010 hunting season, and no substantive law enforcement issues have arisen.

Council adjourned at 9:00 a.m.